

KIRK T. KENNEDY, ESQ.  
Nevada Bar No: 5032  
815 S. Casino Center Blvd.  
Las Vegas, NV 89101  
702-385-5534  
email: [ktkennedylaw@gmail.com](mailto:ktkennedylaw@gmail.com)  
**Attorney for Plaintiff**

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GRACE PETASHNICK,

Plaintiff,

VS.

LOWE'S HOME CENTERS, LLC., a  
foreign limited liability company,  
DOES 1-10, inclusive; ROE  
CORPORATIONS 1-10, inclusive,

Defendants.

2:19-cv-00479-JCM-VCF

**STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES AND  
RELATED DATES**  
**(Second Request)**

The Plaintiff, GRACE PETASHNICK, by and through her undersigned counsel, KIRK T. KENNEDY, ESQ., and the Defendant LOWE’S HOME CENTERS, LLC by and through its undersigned counsel, JOSH COLE AICKLEN, ESQ. and SHARON A. PARKER, ESQ., of the firm of Lewis Brisbois et al., submit this second request to extend all fo the discovery deadline dates in this matter. The current discovery deadline is January 14, 2020.

**DESCRIPTION OF ACTION:** This is a negligence action based on diversity jurisdiction. Defendant denies all claims for relief.

### 1. Discovery Completed to Date:

The parties have exchanged all Rule 26 lists of witnesses and initial document production. The Defendant served written discovery requests upon the Plaintiff. The Plaintiff has answered those discovery requests. The parties have served supplemental document disclosures on both sides.

The Defendant previously noticed the Plaintiff's deposition for July 23, 2019, however it was vacated due to ongoing medical concerns with the Plaintiff's condition.

1  
2 2. Discovery that remains to be completed: Plaintiff intends to take 1-2 deposition of the persons  
3 most knowledgeable from the Defendant. The Defendant needs to take the Plaintiff's deposition  
4 once her health condition stabilizes such that she can be deposed. The Defendant may also take  
5 the depositions of the Plaintiff's treating providers not in excess of 10.

6 The parties may also take the depositions of any experts disclosed by either side. The  
7 Defendant may also set an independent medical evaluation of the Plaintiff.

8 3. Reasons why discovery has not been completed to date:

9 Since the first discovery extension filed on July 26, 2019, the parties have not been able  
10 to schedule the Plaintiff's deposition due to ongoing health related issues. However, the Plaintiff  
11 is now in a position to be subjected to the deposition process by the Defendant. The completion  
12 of the Plaintiff's deposition will then dictate the nature and extent of the remaining discovery  
13 required by the parties.

14 **Proposed Discovery Schedule:**

15 1. Estimated time required for remaining discovery: The parties request a discovery extension of  
16 90 days from January 14, 2020, to a new deadline date of April 13, 2020.

17 2. The parties shall have until February 13, 2020, for initial expert disclosures. The parties shall  
18 have until March 13, 2020 for rebuttal expert disclosures.

19 3. The parties shall have until May 13, 2020 to file dispositive motions. This is 30 days after the  
20 discovery cut-off date and does not exceed the outside limit of thirty (30) days following the  
21 discovery cut-off date that LR 26-1(e)(4) presumptively sets for filing dispositive motions.

22 4. The pretrial order shall be filed by June 12, 2020, which is not more than thirty (30) days after  
23 the date set for filing dispositive motions in the case. This deadline is suspended if dispositive  
24 motions are timely filed and, in such case, the deadline for filing the pretrial order shall be thirty  
25 (30) days after decision on said dispositive motions, or by further order of the court. The  
26 disclosures required by FRCP Rule 26 (a)(3) shall be made in the joint pretrial order.

1 5. Further Extensions of Modifications of the Discovery Plan and Scheduling Order:  
2 Applications or motions to extend the discovery plan dates shall comply with the requirements of  
3 LR 26-4 and shall be filed not later than 21 days prior to the particular deadline sought to be  
4 extended. The motion or stipulation shall include:  
5 a. A statement specifying the discovery completed to date;  
6 b. A specific description of the discovery which remains to be completed;  
7 c. The reasons why remaining discovery was not completed within the time  
8 limits of the existing discovery deadline; and  
9 d. A proposed schedule for the completion of remaining discovery.

10  
11 /s/Kirk T. Kennedy  
12 KIRK T. KENNEDY, ESQ.  
13 Nevada Bar No: 5032  
14 815 S. Casino Center Blvd.  
15 Las Vegas, NV 89101  
16 (702) 385-5534  
17 Attorney for Plaintiff

/s/Josh Cole Aicklen  
JOSH COLE AICKLEN  
Nevada Bar No: 7254  
SHARON A. PARKER, ESQ.  
Nevada Bar No: 8274  
Lewis Brisbois Bisgaard & Smith  
6385 S. Rainbow Blvd., Ste. 600  
Las Vegas, NV 89118  
(702) 893-3383  
Attorney for Defendant  
Dated: 11/13/20

Dated: 11/13/20

**ORDER**

IT IS SO ORDERED.

Dated this 19th day of November, 2019.

  
UNITED STATES MAGISTRATE JUDGE